

## **REMARKS**

The Office Action dated September 21, 2004 has been fully considered by the Applicant.

Attached is a Request for Three-Month Extension of Time and a check in the amount of \$1020 for payment of the Extension.

Claims 1, 5-7, 10, 12-13, 15 are currently amended. Claim 2-4, 8-9, 11, 14 and 16 have been previously presented.

The Examiner requested new drawings in compliance with 37 CFR 1.83(a). Attached is new Figure 3 illustrating the steps involved in Applicant's invention. No new matter has been added.

Claims 7-13 and 16 have been objected to because of informalities. Applicant has currently amended these claims to correct the informalities as indicated by Examiner Fan.

Claims 5-13 and 15 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Each of these claims has been amended to correct the insufficient antecedent basis as indicated by Examiner Fan. The thorough examination of the application given by Examiner Fan is gratefully appreciated.

Claims 1-3, 5-9, 11, 14 and 15 have been rejected under 35 USC 102(b) as being anticipated by European Patent No. 0798875 to Kaku et al. Applicant's independent claim 1 has been currently amended to provide for a method of installation of a broadcast data receiver by measuring the power level of incoming data signals at two predetermined spaced points on the signal band by measuring the content of automatic gain control converters within the receiver and providing an amplitude correction filter which can be selectively operated on the data signals to allow the correction of amplitude variations with the frequency. The selective operation of the filter is dependent upon and responsive to the power level measurements obtained. The Kaku et al patent does not compare

parameters of the data signal at two points directly which allows the circuitry to be simplified, as in Applicant's currently amended independent claim 1. The Kaku et al patent describes a line equalizing method wherein multi-tone signals superimposed on a transmission signal are extracted, judged and the receiver signal equalized accordingly. Applicant's invention does not include the step of extracting the signals, as in the Kaku et al patent. Therefore, Applicant believes that currently amended claim 1 along with dependent claims 2-6 are novel over the Kaku et al reference. Reconsideration of the rejection is respectfully requested.

Applicant's currently amended independent claim 7 is directed toward a broadcast data receiver having a linearization circuit that can be selectively activated to operate with a receive control system upon comparison of measurement of power levels at two predetermined points on the signal passed to the radio frequency input and if the comparison reveals a difference that is great than a predetermined level, the linearization circuit is activated to adjust the receiver settings during an installation procedure. Applicant believes that currently amended claim 7 with dependent claims 8-13 are novel over the Kaku et al patent and therefore sincerely request reconsideration of the rejection.

Applicant believes that claim 14 is novel over the Kaku et al patent. Applicant's invention is directed toward a method of installation of a receiver wherein if a comparison of the measurement of the power level of incoming frequency signals shows a value within a predetermined parameter, an indication of the measurement comparison status is provided to the installer. None of the cited references includes a method which provides to the installer an indication of the measurement comparison status, as in Applicant's invention. Therefore, Applicant believes that claim 14, along with dependent claim 15 and 16, is novel over the cited reference.

Claims 12, 13 and 16 have been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0798875 to Kaku et al in view of United States Patent No. 5,991,339 to Bazes et al. Claims 12, 13 and 16 depend upon currently amended independent claim 1. Applicant believes that currently amended claim 1 and therefore dependent claims 12, 13 and 16 are novel over the cited references as stated herein above.

Claim 4 has been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0798874 to Kaku et al in view of United States Patent No. 6,542,540 to Leung et al. Claim 4 is dependent upon currently amended independent claim 1. Applicant believes that claim 4 is novel over the cited references as herein stated since claim 4 is dependent upon currently amended claim 1. Reconsideration of the rejection is requested.

Claim 10 has been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0798875 to Kaku et al in view of United States Patent No. 6,167,081 to Porter et al. Claim 10 depends upon currently amended independent claim 1. Applicant believes that claim 10 is novel over the cited references as stated above.

In summary, Applicant's currently amended independent claim 1 provides for a method of installation of a broadcast data receiver which includes the steps of measuring the power level of incoming data signals at two predetermined spaced points on the signal band by measuring the content of automatic gain control converters within the receiver, and providing an amplitude correction filter which can be selectively operated on the data signals to allow the correction of amplitude variations with frequency. The selective operation of the filter depends upon and is responsive to the power level measurements obtained. None of the cited references have these distinctive features and therefore reconsideration of the rejection is respectfully requested.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

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